

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHELL RAMOS,
Plaintiff,

v.

I. ROCHA, et al.,
Defendants.

Case No. [19-cv-01205-JSC](#)

ORDER OF TRANSFER

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.¹ Plaintiff is located at California State Prison – Los Angeles County. Defendants are officials at High Desert State Prison (“HDSP”), where Plaintiff was formerly located and where the events giving rise to the complaint occurred.

When, as here, jurisdiction is not founded on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

Plaintiff’s allegations arise out of events occurring at HDSP, and the allegedly responsible officials are located there. HDSP is located in Lassen County, which lies within the venue of the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84.

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 5.)

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Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is TRANSFERRED to the United States District Court for the Eastern District of California.

The Clerk of the Court shall transfer this matter forthwith. In light of this transfer, the Court defers to the Eastern District for ruling on the motion for leave to proceed in forma pauperis (ECF No. 6) and whether to dismiss the case for failure to file a signed complaint (*see* ECF No. 3).

The Clerk shall terminate docket numbers 6 from this Court's docket.

IT IS SO ORDERED.

Dated: April 22, 2019


JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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CERTIFICATE OF SERVICE

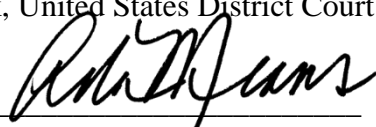
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 22, 2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michell Ramos ID: AR8420
CSP - LA County
P.O. Box 8457
D2-114
Lancaster, CA 93539

Dated: April 22, 2019

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY